

# Notice of Allowability

Application No.

09/515,909

Examiner

Michael R Vaughan

Applicant(s)

MONZAWA ET AL.

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2131

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5-12-04.
2. ☒ The allowed claim(s) is/are 1 and 4-12.
3. ☒ The drawings filed on 29 February 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892) \*
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10-4-00
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

## **Detailed Office Action**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Meyers on September 21, 2004.

The application has been amended as follows:

The following limitations are appended to claim 1:

said first memory means is assigned the backup role, and said second memory means is assigned the active role as a result of said alternating of the active and backup roles at the churning key updating time point; and

said churning parameter memory means performs a copying process to copy the stored churning parameters from said second memory means to said first memory means, and wherein

said churning parameter memory means saves a new churning parameter into said first memory means after the copying process is finished, when the new churning parameter is received during the copying process.

Claims 2-3 are cancelled.

Claims 4-12 remain.

Claims 13-29 are cancelled.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: Examiner found that the network unit as described in the currently canceled claim 3 was allowable. After a closer examination and consideration of applicants arguments filed 5-12-04, Examiner found dependent claim 3 allowable. Examiner communicated this finding to the Applicant to propose claims 1-3 be combined. Applicant concurred and approved that the limitations of claims 2 and 3 be placed into claim 1. Examiner also found claims 13-29 not allowable and consequently Applicant has canceled those claims to expedite prosecution.

Claim 1 as appended now contains all necessary limitations that Examiner found allowable. A process by which the memories have their roles swapped was found in the prior art in a patent to Sidoti et al. (USP 5,982,845). However, no teaching could be found in the prior art that discloses using alternating memories for a churning key whereby the new churning parameter is saved into the backup memory when the new churning parameter is received during the copying process. It was this realization that

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the new churning parameter is specifically put into the backup memory during the swap process to preserve the necessary parameters during the copying process. The active memory has the current key (previously new) during the copying process. Applicant discloses the reasons for this method in the specification on pages 19-20. Claim 1 discloses that the first memory means (backup memory during the first swap) holds new key, which will be used after the current key (stored in the second memory means, which is active). Therefore, Examiner finds claim 1 taken as a whole to be novel and non-obvious over the prior art. Dependent claims 4-12 having all of the limitations of claim 1 are likewise found allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Vaughan  
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